

Attachment CC

to

Stephen West Complaint

Stacy Rector Affidavit

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

EDWARD JEROME HARBISON,

Plaintiff,

v.

GAYLE RAY, et al,

Defendants.

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**No. 3:06-cv-01206
Judge Trauger**

AFFIDAVIT OF STACY RECTOR

Comes now the affiant, Stacy Rector, and declares under the penalty of perjury as follows:

1. My name is Stacy Rector. I live and work in Nashville, Tennessee.
2. I am the Executive Director of Tennesseans for Alternatives to the Death Penalty.
3. On February 4, 2009, I attended the execution of Steven Morris Henley.
4. After Warden Bell instructed the execution to proceed, Mr. Henley stated that he could feel it coming and started snoring loudly.
5. I closed my eyes to recite the Lord's Prayer. I opened my eyes and Steve had turned blue. I closed my eyes again.
6. Steve's sister grabbed me after a few minutes and told me he was purple.
7. I have reviewed the newspaper article by Kate Howard published on February 8, 2009, in the Tennessean newspaper, (Rector Exhibit 1), and the article by Clint

Brewer and Amy Griffith Graydon in the City Paper newspaper published on February 4, 2009, (Rector Exhibit 2).

8. Both newspaper accounts accurately report the events of Mr. Henley's execution, including the change of color in Mr. Henley's face.

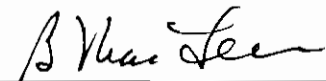
FURTHER AFFIANT SAITH NOT.


STACY RECTOR

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Sworn to and subscribed before me this 5th day of April, 2010, by Stacy Rector, who provided personal identification or is personally known to me.


Notary Public

My Commission Expires: 5/6 /13



My Commission Expires MAY 6, 2013

Exhibit 1 to Stacy Rector's Affidavit

Watching Steve Henley's execution tears at reporter's heart

The Tennessean - Nashville, Tenn.
Author: KATE HOWARD
Date: Feb 8, 2009
Start Page: n/a
Section: OPINION
Text Word Count: 1241

Document Text

Commentary

Editor's note: The Tennessean's Kate Howard, who is the newspaper's public safety reporter, covered the execution of convicted murderer Steve Henley last Wednesday morning. This is her account of covering the imposed sentence. Mark Silverman's column will return.

This morning I watched as lethal drugs flowed into the veins of a man.

Steve Henley was a murderer, or at least that's what the courts decided when they convicted him of shooting an elderly farm couple and burning down the house with their bodies inside. He lived under a death sentence for 23 years.

"I'm an innocent man."

It was the last thing he said before the warden said "Proceed," and sent him to death with just two powerful syllables.

I had spent the earlier hours at a variety of places: at a prayer vigil for Steve, where resistance songs were played and mourners bemoaned state killing at what felt like a funeral six hours premature. I stood in the 18-degree weather with a handful of early protesters, one of whom spent 20 years on death row himself before new technology made him a free man. He was opposed to any type of killing whether Steve was guilty or innocent, he said. I stood in the well-heated press tent with reporters who gave me pitying looks when they learned I was a witness, and the quiet ones who would be going in with me.

I spent an hour, an extremely awkward hour, getting shuffled with Steve's family from one concrete, clockless conference room to another while they counted down the minutes. The warden of Riverbend Maximum Security Institution had brought us into the room himself and let us know right off the bat there were no interviews on these premises. There were six of us intruding on those sacred moments, media witnesses who were told to stay silent.

But we listened while they talked about their father's fast car, the Chevelle that's since been sold that his son would give anything to drive again. His father could shift so fast, Greg Henley said, that he'd tape a \$100 bill to the dashboard and offer it to you - if you could lean forward far enough to get it once he stepped on the gas. They talked about his innocence, how they couldn't believe the state was killing a good, innocent man.

We scribbled as quietly as we could with the provided pencils and notebooks, trying to record the moment as the family bowed their heads, held hands and prayed one last time for Steve.

Son says he forgives the state

His pastor, a staunch anti-death penalty advocate, said she couldn't believe this was really happening after all these years. His son Greg, who said he didn't comprehend reading that well, was repeating over and over the statement he planned to give later to the press, trying to commit it to memory.

"I forgive the state of Tennessee for executing my daddy. I forgive the state of Tennessee for executing my loving daddy. I forgive the state of Tennessee for executing my loving daddy, and I want you to know he is an innocent man."

Later, as we rounded an hour of silence on our side of the room, the press witnesses were confronted with a well-meaning question from Greg.

"Can I ask you a question? Are you guys ... are you pro-death penalty, or anti, I guess?"

Another reporter lifted his head and said the warden told us not to talk to them. Greg apologized.

His sister said that they'd know how we felt once they watched our reports and gave me in particular a knowing nod.

With that, the stony-faced guard at the door nodded to us that it was time. We walked single file through the visiting room - there was a play castle, dolls and children's toys in the corner - to a small concrete room. A row of squeaky

chairs faced a window. The blinds were drawn. Behind it was Steve, or Henley to those of us in the back.

We sat that way for 12 minutes, with the noises of preparation and shadows of prison officials leaking through. The microphone turned on. Greg stopped rocking back and forth. Steve's daughter asked for a bucket.

The blinds were lifted, and Henley was strapped to the gurney. A microphone was coming down from the ceiling for his last statement. He raised his head, turned to see his family, and stuck out his tongue. With his hands strapped down, he tried to blow a kiss. He made his statement. He said he was sorry for what Fred and Edna went through, but he didn't do it. He said he hoped this procedure would give some peace to them and their family, although he didn't believe death brought anything but pain. He said he was an innocent man.

Proceed.

His family began to sob. They stood by the window, shouted to him. He told them to quit crying, called them a pitiful bunch. He told them - perhaps his pastor especially - to never quit.

"I feel it coming," he shouted from the death chamber.

His head was already down, he snored a few times and went silent. In the witness chamber, it was chaos.

They were screaming, sobbing. His daughter began to throw up. His sister and his pastor joined together in the Lord's Prayer, so impassioned that even the pastor stumbled over the words.

I bit my lip and furiously wrote, knowing my notes were never going to match my memory or capture what was happening in that moment. The color drained from his face. He started to turn blue. And slowly it grew quiet in the witness chamber, too.

Don't cry. Don't cry.

I looked at the other reporters. They were still writing.

Soon Henley's sister turned and stared me and the others straight in the face.

"Not a tear in anyone's eye back there," she said to nobody in particular. "Don't human life mean nothing to you? You're like a pack of dogs."

Yesterday, throughout the day most of my colleagues asked me how I felt about covering this execution, watching a man die. I kept saying I wasn't sure yet. A few told me about other reporters they've known who covered them. Some were vague about the impact. Others told me I'd be traumatized.

Before it was time, I had called my boyfriend and asked him, what if I got emotional? What if I cried in front of the other reporters? He told me I would be professional and I would be real. If I cried, then I was being real about it. After all, I was watching a man die.

In truth, it probably was the only time I did successfully hold back tears. I have always been emotional, and always, during a good interview, find myself feeling my subject's emotions. It would be a lie to say I don't often wipe away a tear when interviewing people who have lost someone to murder or illness or ruthless tomadoes.

But on those days I never watched it happen. I have always come along in the aftermath, and felt the hot tears coming when I've heard about grief setting in.

This morning I watched it happen, a true rarity in the world of reporting on crime.

And today, who knows why, the tears held until I got home.

Contact Kate Howard at 615-726-8968 or kahoward@tennessean.com

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Abstract (Document Summary)

The Tennessean's Kate Howard, who is the newspaper's public safety reporter, covered the execution of convicted murderer Steve Henley last Wednesday morning. Son says he forgives the state His pastor, a staunch anti-death penalty advocate, said she couldn't believe this was really happening after all these years.

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Exhibit 2 to Stacy Rector's Affidavit

The City Paper

Published on *Nashville City Paper: Nashville's Online Source for Daily News* (<http://nashvillecitypaper.com>)

Henley executed, maintains innocence in final words

By southcomm
Created 02/19/2009 - 8:53pm

Clint Brewer & Amy Griffith Graydon

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Convicted murderer Steve Henley met his death at the hands of the state with a smile on his face and maintained his innocence even in his final moments amid the cries and prayers of his family.

"As I have said ever since this happened, I didn't kill them," Henley said during his final words of his victims, Fred and Edna Stafford. "I hope they can rest easier after this procedure is done."

Henley was pronounced dead at 1:33 a.m. today in the Riverbend Maximum Security Institute's death chamber. Henley was put to death using Tennessee's controversial three-drug protocol for lethal injection, an execution method Henley's attorneys argued was unconstitutional in last minute briefs to the U.S. Supreme Court as late as yesterday evening just hours before the appointed execution date and time.

Henley was revealed to family members and media witnesses to the execution at 1:17 a.m., already strapped to the death gurney. When he heard the shouts and cries of his family, Henley lifted his head and smiled to them.

In his final words, Henley more than once maintained his innocence in the 1985 murder of the Staffords. Henley also questioned whether his death would bring any peace to the Stafford family, noting his own family's apparent grief.

"I would like to say I hope this gives Fred and Edna's family some peace," Henley said. "In my experience in life, it won't. The death of a family member never brings anything but pain."

"I'm an innocent man," Henley added later.

From the death gurney, Henley also gently admonished his children and sister for their tears.

"Bye," Henley said, making kissing motions with his mouth to his family. "Stop that crying. Stop it. I'll see you on the other side. Ya'll are a pitiful bunch." The final comment drew laughter not only from his family but also from Henley.

In an emotionally charged death chamber with his distraught son, daughter and sister watching, Henley's execution began with the command of "proceed" from Warden Rickey Bell at 1:19 a.m.

"I feel it coming on," Henley said, and then went motionless and made noises as if he were snoring.

The death chamber then exploded in a torrent of emotions from Henley's family. Henley's grown son, Greg Henley, wept openly. His daughter, Leanne Henley, screamed, "Oh my God, no, no," as Henley began to slip away.

At one point, the entire Henley family along with their spiritual advisor Stacey Rector began saying the Lord's Prayer in unison, their voices growing louder and louder in the death chamber as the familiar prayer advanced.

At about 1:26 a.m., Henley's face began to turn blue while still strapped to the gurney. His face eventually turned purple as family members watched.

"They killed my brother for nothing!" explained an angry Stephanie Worley, Henley's sister. Worley eventually turned her anger on members of the press sitting in the death chamber as witnesses.

"I don't see a tear back here," Worley said, as she turned to face reporters. "I guess human life has no meaning anymore. Like a bunch of dogs."

It was unclear from the witness vantage point when during the almost 30 minute process Henley was given the three different drugs – one to act as an anesthetic, another to stop his breathing and a third to stop his heart.

Henley was pronounced dead 14 minutes after the execution began with the command from the warden.

"The state of Tennessee just killed an innocent man," George Henley said in the death chamber after his father had passed. "I forgive them, but two wrongs don't make a right. I hope they know that."

Henley was convicted and executed for the grisly murders in Jackson County of the Staffords in 1985. The couple was shot by Henley in a dispute over money and then placed inside their house, which he then set on fire. Edna Stafford, though shot twice, was still alive and died from injuries suffered in the blaze.

Tennessee Department of Corrections staff said a nephew of the Staffords, Jack Stafford, witnessed the execution from another room.

Henley has maintained his innocence for over two decades, saying it was the man that testified against him who actually committed the murders.

Henley was the fifth person to be executed in Tennessee since 1960 and the fourth by lethal injection. Presently, Tennessee's lethal injection protocol is the subject of a legal battle in the 6th Circuit Court of Appeals where condemned inmate Edward Harbison is trying to see an opinion from district court upheld that states Tennessee's lethal injection method constitutes cruel and unusual punishment.

Greg Henley spoke emotionally to members of the media after the execution. He and his sister, Leanne, stood arm-in-arm, appearing to hold back sobs. Greg Henley's voice broke as he maintained his father's innocence.

"I forgive the state of Tennessee for executing our loving Daddy. I want them to know I'm praying for both our side of the family, and Fred and Edna Stafford's family," Greg Henley said. "But I also want you to know, you executed an innocent man, an innocent man."

Rector said Henley was "at peace." As prospects of legally staying the execution grew bleaker as the day progressed, Rector said Henley accepted the developments and was "ready," though he maintained concerns for his family and for the Staffords' family.

"I very much believe he ministered to me far more than I ministered to him tonight," Rector told reporters. "I think what he hopes most is that story will be told now, even if he's not here, because he very much feels that it should be."

Last-minute appeals on Henley's behalf were denied, said Henley's attorney, Paul Davidson of Waller Lansden Dortch & Davis. A request made to Gov. Phil Bredesen for a 30-day reprieve was also denied. The 30-day reprieve was requested to allow for presentation of a clemency petition.

"Unfortunately, the governor made the decision not to give him that opportunity, and that ended [Hensley's] appeals tonight," Davidson said.

Near the prison, more than 60 demonstrators gathered to show their opposition to the death penalty, a turnout that surprised Tennessee Coalition Against State Killings (TCASK) field organizer Isaac Kimes. Temperatures in Nashville hovered around 15 degrees early Wednesday morning, and a light snow fell during parts of the evening. Due to the weather and to the midnight start of the demonstration, Kimes said he was very pleased with the number of people participating.

Volunteers at the event said they wouldn't be anywhere else. Some held signs, or Bibles. While TCASK is a secular organization, Kimes said the anti-death penalty movement draws a number of volunteers who oppose execution on religious grounds.

"I believe that my faith calls me to be here, and to speak out against something I don't believe in. I believe that God is love, and God is forgiveness as well," said demonstrator Menzo Faassen.

"From a religious standpoint, I don't think that anyone has the right to take another person's life, in any form or fashion. The fact that the state of Tennessee, of which I'm a citizen, is pre-meditatively taking another person's life is just incomprehensible to me. I need to be out here to stand against that," said TCASK volunteer Harry Simpson. "Tennesseans are better than this. ... I don't know why more people aren't out here."

For those at the vigil, the presence of Michael McCormick – a Tennessee man who spent 17 years on death row before being acquitted and released in 2007 – served as testimony to a legal system that sometimes makes mistakes.

"I'm here to support Steve. I'm here to support all of [those on death row]. I knew them for 20 years," McCormick said. "The system can fail. People can be executed for crimes they didn't commit. People need to keep that in mind."

City News

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